

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:08CV178

TERESA ALEXANDER, )  
                          )  
Plaintiff,            )  
                          )  
vs.                    )                    ORDER  
                          )  
MICHAEL J. ASTRUE, )  
Commissioner of Social Security, )  
                          )  
Defendant.            )  
                          )  
\_\_\_\_\_

This matter is before the Court upon the memorandum and recommendation of United States Magistrate Carl Horn, III, filed October 31, 2008. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 10 days after service of the memorandum. The Defendant timely filed an objection.

After an independent and thorough review of the magistrate's memorandum, Defendant's objections thereto, and a de novo review of the record, the Court concludes that the recommendation to deny the Commissioner's Motion for Summary Judgment and grant the Plaintiff's Motion for Summary Judgment is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are accepted, Plaintiff's Motion for Summary Judgment is GRANTED, and the Commissioner's Motion for Summary Judgment is DENIED.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the

magistrate is hereby AFFIRMED.

Signed: November 21, 2008



Graham C. Mullen  
United States District Judge

